

1 RAMIRO MORALES, Bar No. 167947
2 CHRISTINE M. FIERRO, Bar No. 191660
3 RICHARD A. EGGERTH, Bar No. 99625
MORALES FIERRO & REEVES
3 2300 Contra Costa Blvd., Suite 310
Pleasant Hill, CA 94523
4 Telephone: (925) 288-1776
Facsimile: (925) 288-1856

5
6 Attorneys for Plaintiff
7 GERLING AMERICA INSURANCE
COMPANY
8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

11 GERLING AMERICA INSURANCE) CASE NO.: CV08-1716 PJH (BZ)
12 COMPANY, a New York Corporation ,)
13 Plaintiff,) STIPULATION AND [PROPOSED]
14 vs.) ORDER TO EXTEND DEADLINE FOR
15 HOMESTEAD INSURANCE COMPANY, a) SETTLEMENT CONFERENCE AND TO
16 Pennsylvania Corporation; GREAT) TAKE DECEMBER 9, 2008
17 AMERICAN E&S INSURANCE) SETTLEMENT CONFERENCE OFF-
18 COMPANY, an Ohio Corporation, formerly) CALENDAR
known as AGRICULTURAL EXCESS AND
SURPLUS INSURANCE COMPANY, and
DOES 1-10,
19 Defendants.
20

21
22 WHEREAS, it was ordered by Judge Hamilton on August 7, 2008 that the parties engage in
23 a settlement conference or private mediation by December 31, 2008 (docket number 33);

24 WHEREAS, this matter was ordered to mandatory settlement conference by Magistrate
25 Judge Zimmerman on September 26, 2008 (docket number 38);

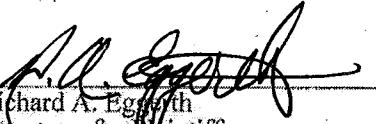
26 WHEREAS, the parties have scheduled a private mediation with The Honorable Ronald
27 Sabraw (Ret.) of JAMS, but could not coordinate an open date for Judge Sabraw and the parties and
28 their counsel until January 6, 2009, which date is now scheduled;

1 AND WHEREAS, the parties now wish to take the mandatory settlement conference before
2 Magistrate Judge Zimmerman off-calendar, and to extend the deadline by which a settlement
3 conference or private mediation may be held in this matter;

4 THEREFORE, IT IS NOW STIPULATED that the mandatory settlement conference before
5 Magistrate Judge Zimmerman on December 9, 2008 should be ordered off-calendar, and the
6 deadline for the parties to complete their private mediation before the Honorable Ronald Sabraw
7 (Ret.) should be set for January 15, 2009.

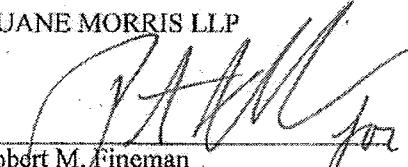
8 DATED: November 26, 2008

MORALES, FIERRO & REEVES

10 
11 Richard A. Eggerth
12 Attorneys for Plaintiff
13 GERLING AMERICA INSURANCE COMPANY

14 DATED: November 26, 2008

DUANE MORRIS LLP

15 
16 Robert M. Fineman
17 Attorneys for Defendant
18 GREAT AMERICAN E&S INSURANCE
19 COMPANY

20 DATED: November 26, 2008

CHARLSTON REVICH & WOLLITZ LLP

21 
22 Howard Wollitz
23 Attorneys for Defendant
24 HOMESTEAD INSURANCE COMPANY

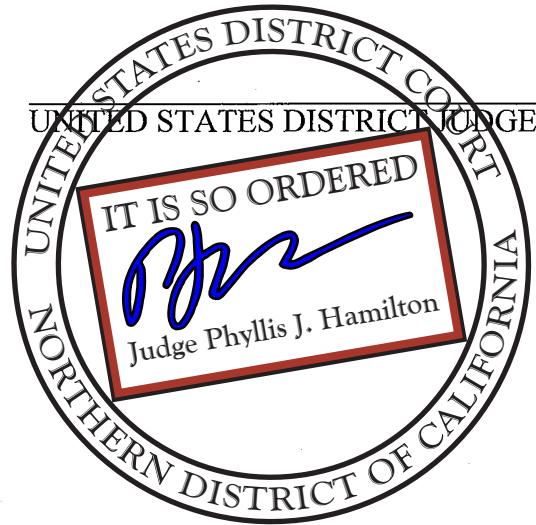
25
26 [PROPOSED] ORDER

27 The mandatory settlement conference scheduled for December 9, 2008 before Magistrate
28 Judge Zimmerman is to be taken off-calendar.

1 The private mediation by the parties is to be completed by January 15, 2009.
2
3

4 IT IS SO ORDERED.
5
6

7 Dated: December 1, 2008
8
9
10
11
12
13
14
15
16
17
18
19
20



s:\docs\ga5105\stipulation extending time for settlement conference & taking MSC off calendar.rae
21
22
23
24
25
26
27
28

1 HDI-Gerling American Ins. Co. v. Homestead Ins. Co., et al.
2 U.S. District Court
3 Northern District of California
3 Case No. 3:08-CV-01716-PJH (BZ)

4 **PROOF OF SERVICE**
5

6 I am employed by the Law Offices of Morales, Fierro & Reeves located at 2300 Contra
7 Costa Blvd., Suite 310, Pleasant Hill, CA 94523. I am over the age of eighteen years and not a party
to the within action.

8 On November 26, 2008, I served the document(s) described as: **STIPULATION AND**
9 **[PROPOSED] ORDER TO EXTEND DEADLINE FOR SETTLEMENT CONFERENCE**
10 **AND TO TAKE DECEMBER 9, 2008 SETTLEMENT CONFERENCE OFF-CALENDAR**
on the interested party(ies) in this action via electronically delivery through the U.S. District Court
Northern District of California Electronic Court Filing process:

11 Peter J. Whalen
12 Robert M. Fineman
13 Terrance J. Evans
14 DUANE MORRIS LLP
15 One Market, Spear Tower, Suite 2000
16 San Francisco, CA 94105-1104
17 T: (415) 957-3000
F: (415) 957-3001
Attorneys for Defendant Great American
E&S Insurance Company, an Ohio
Corporation, fka Agricultural Excess and
Surplus Insurance Company

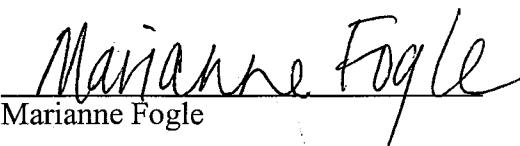
Howard Wollitz
CHARLSTON, REVICH & WOLLITZ LLP
1925 Century Park East, Suite 1250
Los Angeles, CA 90067-2746
T: (310) 551-7000
F: (310) 203-9321
Attorneys for Defendant Homestead
Insurance Company

18 Courtesy Copy via U.S. Mail to:
19
20 Magistrate Judge Bernard Zimmerman
U.S. District Court, Northern District of CA
Courtroom G, 15th Floor
21 450 Golden Gate Avenue
22 San Francisco, CA 94102

The Hon. Phyllis J. Hamilton
U.S. District Court, Northern District of CA
Courtroom 3, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

23 I declare under penalty of perjury under the laws of the State of California that the
24 above is true and correct.

25 Executed on November 26, 2008, at Pleasant Hill, California.

26
27
28 
Marianne Fogle